

IN THE SENATE OF THE UNITED STATES.

MAY 25, 1858.—Ordered to be printed.

Mr. IVERSON made the following

REPORT

[To accompany Bill S. 407.]

The Committee on Claims, to whom was referred the petition of Miles Judson, report :

The petitioner was one of the sureties on the official bond of Andrew D. Crosby, late a purser in the United States navy Purser Crosby was killed in 1846, while engaged in the duty of piloting the United States steamer Vixen, under the command of Commodore Perry, along the coast of Yucatan. On the settlement of his accounts at the treasury, a balance was found in favor of the United States for the sum of \$3,326 31, for which suit was instituted against the sureties, and judgment recovered, in 1855, against the petitioner, Miles Judson, who subsequently paid into the treasury, through the marshal of the eastern district of Louisiana, in satisfaction of the same, the sum of \$4,320 70, including interest and costs. This application is for the reimbursement of that sum, on the ground that the sudden death of Purser Crosby, in the active discharge of his duty in time of war, must have left his accounts in a deranged condition, and that the presumption, arising from his high character, is, that if he had not been thus deprived of the possibility of properly presenting his accounts and vouches, no defalcation would have appeared.

A claim was presented to the 29th Congress, in behalf of the representatives of Purser Crosby, to be allowed certain sums alleged to have been paid by him to certain warrant officers of the United States ship Ontario in 1841, and which had been disallowed in the settlement of his accounts with the government. The amount thus claimed was \$550 99. The claim was referred to the Committee on Naval Affairs of the Senate, who reported in favor of its allowance, but it does not appear that any action was had upon the bill.

During the present session your committee referred the petition of Mr. Judson to the Secretary of the Treasury, with the request that he would cause the committee to be furnished with any information on the files of the department calculated to lead to a proper decision of the merits of the present claim. In answer, the Secretary communicates a statement of the Fourth Auditor, containing a list of items rejected in the settlement of Purser Crosby's accounts, which is among

the papers in the case, and sustains the report of the committee in 1847 in favor of allowing the said sum of \$550 99, and also an allowance of several other items in the heretofore rejected accounts of Purser Crosby, amounting to an additional sum of \$218 97.

The committee concur in the opinion expressed by the committee of the 29th Congress in favor of the allowance of the \$550 99 paid to the warrant officers of the Ontario, and with the Fourth Auditor, who thinks that, in addition to the above, a further sum of \$218 97 on other items should be allowed.

There are amongst the papers lately filed by the agent of Mr. Judson several original vouchers for money paid out by Crosby, and which do not appear ever to have been allowed him, viz: First, one large table, March 5, 1843, \$15. Second, for freight on specie, May 4, 1843, \$30. Third, for beef, bread, and vegetables purchased for the United States ship Preble, April 12, 1845, \$110 66. These vouchers and purchases appear to have been authorized and approved by the commanding officers of the ships in which Crosby was purser. These make up an additional sum of \$155 66, which ought, in the opinion of the committee, to be allowed.

The Fourth Auditor, in his communication above referred to, admits the propriety of allowing the 26th, 27th, and 28th items of the suspended accounts of Crosby, if there was any evidence that he had ever received the drafts and treasury notes, which are the foundation of these items. Since that letter was received by the committee, the agent of the petitioner has filed the certificate of George Curtis, cashier of the Bank of Commerce, New York, in 1844, stating that Mr. Crosby, as purser of the Ontario, handed him \$9,500 of treasury notes to sell for him, which Curtis sold at a discount of three-fourths per cent., the loss being \$71 25, the identical amount charged in item No. 28, above referred to. There can be no doubt that this item ought to be allowed. In support of the 26th and 27th items, as above, letters of the then Secretary of the Navy, Mr. Upshur, are exhibited, of 9th May and 6th July, 1842, authorizing Mr. Crosby to draw on the department at thirty days' sight for such sums as he might want for the use of the ship, and to negotiate the drafts on the best terms that could be obtained in New Orleans. This is strong presumptive proof in support of these two items, and authorizes the committee to allow them. These three items make the sum of \$271 25, and all added together make up an aggregate sum of \$1,196 87. The committee have no hesitation in saying that, at least, the above sum ought to have been allowed Purser Crosby in the settlement of his accounts; and that as his surety, Mr. Judson, has been charged interest on the amount of Crosby's liability upon his official bond, it is reasonable and just that interest should be allowed on the above sum from the average period of the various expenditures, which would be about the first of January, 1843. The committee therefore report a bill for the said sum of \$1,196 87, with interest at six per cent. from said date. There are several other items in Purser Crosby's suspended account which the committee have reason to think were just, but, as there is no proof to sustain them, they are reluctantly compelled to reject them.